

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 2872 OF 2004
IN
WRIT PETITION NO. 6910 OF 2002

Nitin Karbhari Chatur..... Applicant.

Versus

The State of Maharashtra & Ors..... Respondents.

Mr. R. K. Mendadkar for the Applicant.

Mr. S.R.Nargolkar, AGP for the Respondents.

CORAM : S. RADHAKRISHNAN &

S. A. BOBDE, JJ.

DATED : 8TH DECEMBER, 2004.

P.C.:

Rule.

2. Mr. Nargolkar, learned Asstt. Government Pleader appears and waives service of Rule on behalf of the Respondents.

3. By consent, Rule made returnable and taken up for hearing forthwith.

4. Heard learned Counsel for the Applicant and the learned Assistant Government Pleader for the Respondents.

5. Perused the Civil Application. For the reasons stated therein, sufficient cause is made out. There is no case of inaction, negligence or want of bonafide on the part of the Applicant. In view of the above, the Civil Application is allowed in terms of prayer clauses (a) and (b), which read as under:

(a) That an order dated 17th June, 2004 passed by this Honourable Court dismissing the Writ Petition No. 6910 of 2002 in default be set aside and the petition be restored to the file and the same be placed for final hearing and disposal as per the convenience of this Honourable Court.

(b) This Honourable Court be pleased to dispense with the affidavit in support of this application.

6. Rule made absolute in the above terms. Civil Application stands disposed of.

7. Writ Petition No. 6910 of 2002 be placed on board for final hearing on 17th January, 2005.

Sd/-

(S. RADHAKRISHNAN, J.)

Sd/-

(S. A. BOBDE, J.)